

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAUL CHILL and SYLVIA CHILL, for the
use and benefit of the CALAMOS GROWTH
FUND,

Plaintiffs,

-against-

CALAMOS ADVISORS LLC,

Defendant.

ORDER

15 Civ. 1014 (ER)

Ramos, D.J.:

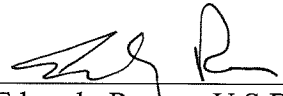
Before the Court are several motions. Defendant Calamos Advisors LLC moves for summary judgment against Plaintiffs Saul and Sylvia Chill. Doc. 65. In connection with the motion, both parties have moved, pursuant to *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), to exclude certain expert testimony. Docs. 88, 106, 109, 112, 115, 118.

The Court has provided the parties with a copy of its Opinion. The Opinion has not been posted publicly. The parties have until the end of business Wednesday, October 3, 2018, to provide the Court with their recommendations, on consent, of the matters that ought to be redacted in accordance with the Protective Order entered herein, Doc. 32.

For the reasons set forth in the Opinion, Calamos' motion for summary judgment is GRANTED insofar as Calamos seeks to establish that Plaintiffs have failed to raise triable issues of fact related to economies of scale and fall-out benefits, and DENIED insofar as Calamos seeks judgment as a matter of law on the other *Gartenberg* factors and Section 36(b) liability generally. Moreover, the parties' *Daubert* motions are DENIED.

The Clerk of the Court is respectfully directed to terminate the summary judgment motion, Doc. 65, and the *Daubert* motions, Docs. 88, 106, 109, 112, 115, 118.

Dated: September 30, 2018
New York, New York


Edgardo Ramos, U.S.D.J.